

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, JANUARY 28, 2022

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APPLICATION OF

DYNAMIC ENERGY, LLC

CASE NO. PUR-2021-00286

For licensure as a non-exempt shared
solar subscriber organization

ORDER FOR NOTICE AND COMMENT

On December 27, 2021, Dynamic Energy, LLC ("Dynamic" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") for a license to conduct business as a non-exempt subscriber organization in the shared solar program established pursuant to § 56-594.3 of the Code of Virginia ("Code"). The Company seeks authority to provide service to subscribers in the service territory of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion"). In its Application, the Company attested that it would abide by all applicable laws of the Commonwealth and regulations of the Commission as required by 20 VAC 5-340-30 B of the Commission's Rules Governing Shared Solar Program.¹ With its Application, the Company filed a Motion for Entry of Protective Ruling ("Motion").

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; the Company should provide notice of its Application to Dominion; interested persons should have an opportunity to comment on the Application; and the Commission's Staff ("Staff") should be directed to investigate the Application and present its

¹ 20 VAC 5-340-10 *et seq.*

findings in a report ("Staff Report"). We further find that a Hearing Examiner should be appointed to rule on all discovery matters that arise during the course of this proceeding, including ruling on the Motion.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.² Consistent with these actions, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2021-00286.
- (2) All pleadings in this matter should be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").³ Confidential and Extraordinarily Sensitive information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. At this time, any person seeking to hand deliver and

² See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, 2020 S.C.C. Ann. Rept. 76, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), *extended by* 2020 S.C.C. Ann. Rept. 78, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, 2020 S.C.C. Ann. Rept. 79, Order Requiring Electronic Service (Apr. 1, 2020).

³ 5 VAC 5-20-10 *et seq.*

physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.⁴

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to rule on any discovery issues that may arise during the course of this proceeding, including ruling on the Company's Motion.

(5) Any interested person may request a public copy of the Application, accompanying materials, and this Order by directing a request in writing to Derek Sheehan, Director, Community Solar, Dynamic Energy, LLC, 1550 Liberty Ridge Drive, Suite 310, Wayne, Pennsylvania 19087, dsheehan@dynamicenergy.com. The Company shall, within three (3) days of receipt of such request, serve the requested documents upon the person making such request. A copy of the Application also may be viewed or downloaded from the Commission's website: scc.virginia.gov/pages/Case-Information.

⁴ As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues.

(6) On or before February 7, 2022, Dynamic shall serve a copy of this Order upon Dominion via Paul E. Pfeffer, Esquire, at paul.e.pfeffer@dominionenergy.com.

(7) On or before February 14, 2022, the Company shall file with the Clerk of the State Corporation Commission, at scc.virginia.gov/clk/efiling/, proof of service upon Dominion as required by Ordering Paragraph (6).

(8) On or before February 21, 2022, any interested person may submit comments on the Application by following the instructions found on the Commission's website:

scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy of such comments shall be served upon the Company at the email address set forth in Ordering Paragraph (5). Such comments simultaneously shall be sent to Richard Michaux, Principal Utility Compliance Specialist, at Richard.Michaux@scc.virginia.gov.⁵ All comments shall refer to Case No. PUR-2021-00286.

(9) The Staff shall analyze the Application and shall present its findings in a Staff Report to be filed on or before February 28, 2022.

(10) On or before March 7, 2022, the Company may file with the Clerk of the Commission, at scc.virginia.gov/clk/efiling/, any response to the Staff Report and any comments filed in this proceeding.

(11) All documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein,

⁵ Those without access to electronic mail may serve a copy of such comments on the Company at the U.S. mail address in Ordering Paragraph (5) and on Richard Michaux, Principal Utility Compliance Specialist, State Corporation Commission, Division of Utility Accounting & Finance, P.O. Box 1197, Richmond, Virginia 23218.

all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

(12) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via electronic mail to the extent possible. Except as modified herein, discovery shall be in accordance with Part IV of the Rules of Practice, 5 VAC 5-20-240 *et seq.*

(13) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:
Derek Sheehan, Director, Community Solar, Dynamic Energy, LLC, 1550 Liberty Ridge Drive, Suite 310, Wayne, Pennsylvania 19087, dsheehan@dynamicenergy.com; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424, MBrowder@oag.state.va.us.